

Remarks

Claims 1-34 are pending. Reconsideration is respectfully requested.

Claim Status

Claims 1-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harding, et al., U.S. Patent No. 6,651,188 (“Harding”) in view of Watson, U.S. Patent No. 5,475,839.

These rejections are respectfully traversed.

Declaration Pursuant to 37 C.F.R. § 1.132

Enclosed herewith is a second Declaration pursuant to 37 C.F.R. § 1.132 which further establishes that the pending claims are not obvious in view of the applied art and that the applied art is inoperative and non-enabling with respect to the subject matter of the pending claims. The Declaration is from a person with actual knowledge of the relevant art and the level of ordinary skill in the art at the time of the invention and subsequent filing of the application.

In addition, it is well settled that “weight ought to be given to a persuasively supported statement of one skilled in the art on what was not obvious to him.” *In re Lindell*, 385 F.2d 453, 155 USPQ 521 (CCPA 1967). Applicants respectfully submit that the Declaration provides such a statement in addition to establishing that one of ordinary skill in the art at the time of the invention would consider the applied art as being **inoperative and non-enabling** with respect to the subject matter of the claims in the present application. Thus, the Declaration provides factual evidence which disproves the pending rejections.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harding, et al., U.S. Patent No. 6,651,188 (“Harding”) in view of Watson, U.S. Patent No. 5,475,839 (“Watson”). These rejections are respectfully traversed..

Claims 1, 14, 16-17 and 19-20

Claims 1, 16 and 19 are independent claims directed to methods involving an automated banking machine. Claims 14, 17, and 20 are independent claims directed to articles bearing computer executable instructions reciting method steps corresponding to the steps recited in respective claims 1, 16, and 19. Claim 22 is an independent claim directed to an automated banking machine. Each of claims 1, 14, 16-17, and 19-20 recites subject matter not disclosed or suggest by Harding in view of Watson.

For example, nowhere does a combination of Harding and Watson disclose or suggest the following combination of features, relationships and steps recited in claims 1 and 14:

- detecting with a computer of an automated banking machine for the presence of a bootable media in at least one alternative storage device drive of the automated banking machine, **wherein a BIOS of the computer specifies which of a plurality of storage device drives corresponds to a default storage device drive which does not require an input of a first BIOS password, and which of the plurality of storage device drives corresponds to the at least one alternative storage device drive which does require the input of the BIOS boot password.**

- **wherein when the bootable media of the at least one alternative storage device drive is detected in step (a), the booting of the computer includes requiring at least once for a user to input a password, wherein when the inputted password corresponds to the BIOS boot password stored in the BIOS of the computer, the computer is booted responsive to the boot record on the bootable media of the at least one alternative storage device drive; and**
- **wherein when the bootable media of the at least one alternative storage device drive is not detected in step (a), the computer is booted responsive to a boot record on the bootable media of the default storage device drive without requiring a user to input the BIOS boot password.**

Also, for example, nowhere does a combination of Harding and Watson disclose or suggest the following combination of features, relationships and steps recited in claims 16 and 17:

- **wherein when the first bootable media is detected in step (a), the booting of the computer includes:**
 - determining responsive to a BIOS of the automated banking machine that the at least one first storage device drive requires a BIOS boot password;**
 - requiring at least once for a user to input the BIOS boot password,**
 - wherein when an inputted password corresponds to a BIOS boot password stored in the BIOS of the computer, the computer is booted responsive to a first boot record on the first bootable media; and**

- **wherein when the first bootable media is not detected in step (a) the booting of the computer includes:**

determining responsive to a BIOS of the automated banking machine that the second storage device drive does not require the BIOS boot password, wherein the computer is booted responsive to the boot record on the second bootable media of the second storage device drive without requiring a user to input the BIOS boot password

Also, for example, nowhere does a combination of Harding and Watson disclose or suggest the following combination of features, relationships and steps recited in claims 19 and 20:

- **detecting with a computer of an automated banking machine that a bootable media is present in at least one alternative storage device drive of the automated banking machine, wherein a BIOS of the computer specifies that a BIOS password is required for the bootable media of the at least one alternative storage device drive;**
- **prompting at least once for a user to input the BIOS boot password;**
- **determining that an inputted password corresponds to the BIOS boot password stored in the BIOS of the computer**
- **booting software of the computer responsive to a first boot record on the bootable media of the at least one alternative storage device drive;**
- **restarting the computer;**

- **detecting with the computer that a bootable media is not present in the at least one alternative storage device drive; and**
- **booting the computer responsive to a boot record on a bootable media of a default storage device drive without requiring a user to input the BIOS boot password.**
- **at least one first storage device drive and a second storage device drive in operative connection with the computer, wherein the second storage device drive corresponds to the default storage device drive specified in the BIOS,**
- **wherein when the computer detects a bootable media associated with the at least one first storage device drive, the computer is operative to require a user to input a BIOS boot password through the at least one input device prior to booting responsive to a boot record associated with the bootable media of the at least one first storage device drive,**
- **wherein when the computer does not detect a bootable media associated with the at least one first storage device drive, the computer is operative to boot responsive to a boot record on a bootable media of the second storage device drive without requiring a user to input the BIOS boot password.**

Also, for example, nowhere does a combination of Harding and Watson disclose or suggest the following combination of features and relationships recited in claim 22:

- **wherein the BIOS includes a BIOS boot password, and wherein the BIOS specifies a default storage device drive which does not require a boot password;**

- **wherein the second storage device drive corresponds to the default storage device drive specified in the BIOS,**
- **wherein when the computer detects a bootable media associated with the at least one first storage device drive, the computer is operative to require a user to input a BIOS boot password through the at least one input device prior to booting responsive to a boot record associated with the bootable media of the at least one first storage device drive,**
- **wherein when the computer does not detect a bootable media associated with the at least one first storage device drive, the computer is operative to boot responsive to a boot record on a bootable media of the second storage device drive without requiring a user to input the BIOS boot password.**

Further this subject matter that is not disclosed or suggested in a combination of Harding and Watson, would also not be considered obvious in view of a combination Harding and Watson by a person having ordinary skill in the art at the time of the invention.

For example, Harding shows a computer with a primary BIOS and a backup BIOS. Neither of these BIOSs includes any capability to be configured to enable a BIOS to specify: a default drive that (when an alternative drive is not detected) does not require a BIOS boot password; and an alternative drive (when detected) that does require a BIOS boot password. Further even if each BIOS of Harding could theoretically be modified to include the capability of requiring a boot password in view of Watson (as suggested in the Action), such a modification would still not result in a BIOS that could be configured to correspond to the recited subject matter.

For example, allowing Harding to have BIOSs with boot passwords could allow (although not disclosed or suggested in the applied art) a user to configure the primary BIOS of Harding to require an input of a boot password while the backup BIOS of Harding is not configured to require an input of a boot password. According to Harding, its primary BIOS would be used with the boot password until a validation of the primary BIOS fails, and then the backup BIOS would be used, which does not require a boot password. Thus, when Harding's primary BIOS is valid, the combination of Harding and Watson as suggested in the Action would at best require a boot password for **both** a default drive and an alternative drive. The combination of Harding and Watson does not disclose or suggest or provide any apparent reason to hinge use of a BIOS boot password on detection of an alternative drive that is specifically configured in the BIOS to require a password. Similarly, When Harding's primary BIOS is invalid, the combination of Harding and Watson (if configured as proposed above) would not require a boot password, **regardless** of whether an alternative drive is detected.

In addition, the Action states (at page 5) that Harding could be modified so that "a password would assure that only the correct BIOS is used". Thus it appears that the Action is suggesting that Harding could be modified in view of Watson to base which BIOS (i.e. the primary or backup) is booted on a correctly inputted BIOS boot password. However, such a modification in Harding would destroy the utility of Harding which is intended to provide a backup BIOS in case the primary BIOS is invalid (see the Abstract of Harding). By hinging which BIOS is booted based on a password, the backup BIOS no longer serves the role of a backup BIOS in case a primary BIOS determined to be invalid. Rather the backup BIOS in this scenario is booted based on an incorrect password, regardless of whether the primary BIOS is valid. Such a modification to Harding as suggested in the Action would not be obvious to one of

ordinary skill in the art at the time of the invention. Further, such a modification of Harding as suggested in the Action contradicts the teachings, advantages, and utility of Harding which is to hinge booting to a backup BIOS on whether the primary BIOS is valid.

In addition such a modification to Harding as suggested in the Action, would still not correspond to the pending claims. For example, with such a proposed combination, an input of a boot password would always be required regardless of whether a particular drive was or was not detected. This does not correspond to the recited subject matter in which the specified default drive is booted without requiring the input of a BIOS boot password, when the specified alternative drive is not detected.

To one of ordinary skill in the art at the time of the invention, there is no apparent reason or other rationale to modify a combination of Harding and Watson to result in a BIOS that can be configured to specify which drive corresponds to a default bootable drive that does not require a BIOS boot password before being booted (when an alternative drive is not detected by the BIOS), and which alternative bootable drive does require a BIOS boot password before being booted (when the alternative drive is detected by the BIOS). This recited subject matter does not predictably result from a combination of the applied art, to one of ordinary skill in the art at the time of the invention.

The applied references do not disclose or suggest a combination of each of the features, relationships, and steps recited in claims 1, 14, 16-17, 19-20, and 22 and the Office has not established *prima facie* obviousness. Also, because there is no apparent reason in the prior art for combining and/or modifying features of the cited references so as to produce Applicants' invention, it is respectfully submitted that claims 1, 14, 16-17, 19-20, and 22 are allowable for these reasons. Therefore, it is respectfully submitted that the 35 U.S.C. § 103(a) rejection of

these claims should be withdrawn. It follows that claims 1-13, 15, 18, 21, and 23-34 which depend from the independent claims are likewise allowable.

The Dependent Claims

Each of the dependent claims depends directly or indirectly from an independent claim. The independent claims have been previously shown to be allowable. Thus, it is asserted that the dependent claims are allowable on the same basis.

Furthermore, each of the dependent claims additionally recites specific features and relationships that patentably distinguish the claimed invention over the applied art. The applied art does not teach the features and relationships that are specifically recited in the dependent claims. Thus, it is respectfully submitted that the dependent claims are further allowable due to the recitation of such additional features and relationships. None of the references, taken alone or in combination, teach or suggest the features and relationships that are specifically recited in the claims.

Also, for example, with respect to claims 4 and 34, nowhere do the applied references disclose or suggest **a cash dispenser or dispensing cash from a cash dispenser**.

The Office has not established *prima facie* obviousness with respect to claim 4 and 34, and it is respectfully submitted that these rejections should be withdrawn.

Conclusion

In conclusion, it was not known nor would it have been obvious to a person having ordinary skill in the art having full view of the cited references, to have produced the claimed features, relationships, and steps. Applicants respectfully submit that this application is in condition for allowance. The undersigned is willing to discuss any aspect of the application at the Office's convenience.

Respectfully submitted,



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